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OFFICE OF PETITIONS

In re Application of :
Juan C. Parodi :
Application No. 09/935,893 :
Filed: August 23, 2001 :
Attorney Docket No. 203-2375 CON II :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 16, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed February 19, 2003, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 20, 2003.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, the \$475 extension of time submitted with the petition on August 16, 2004 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account number 06-2360.

The statement claiming small entity status in accordance with 37 CFR 1.17(m) embodied in the petition under 1.137(b) has been made of record and small entity status has been accorded.

The application file is being forwarded to Technology Center 3700, Art Unit 3731 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-5594.

Retta Williams

Retta Williams
Petitions Examiner
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Office of the Deputy Commissioner
for Patent Examination Policy